

CERTIFIED TRUE COPY

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF REAL ESTATE APPRAISERS

IN THE MATTER OF THE
SUSPENSION OR REVOCATION OF
THE LICENSE OR CERTIFICATION
OF

HERMAN F. SCHUSTER,
RA00355900

TO PRACTICE AS A REAL ESTATE
APPRAISER IN THE STATE
OF NEW JERSEY

Administrative Action

FINAL ORDER
OF DISCIPLINE

This matter was opened to the New Jersey State Board of Real Estate Appraisers ("the Board") upon receipt of information which the Board has reviewed and on which the following findings of fact and conclusions of law are made:

FINDINGS OF FACT

1. Respondent is a real estate appraiser in the State of New Jersey, and has been a licensee at all times relevant hereto.
2. The Board conducted a continuing education audit in 2006, asking a random sampling of its licensees for documentation of continuing education completed during the 2004-2005 licensing period.
3. Respondent submitted documentation in response to this audit, which was received on March 20, 2006.
4. Respondent did forward proof of successful completion of the 7-hour USPAP course.
5. Respondent submitted documentation of having completed a total of 14 credit hours of continuing education prior to December 31, 2005.
6. Respondent certified upon respondent's renewal application for the 2006-2007 licensure renewal period that respondent had completed the continuing education requirement during the previous biennial licensure renewal period.
7. Respondent certified upon respondent's renewal application for the 2006-2007 licensure renewal period that respondent had completed a USPAP course.
8. Respondent is required pursuant to N.J.A.C. 13:40A-5.3, -5.4 to have completed the equivalent of fourteen (14) classroom hours of instruction for each year during the period preceding renewal. The continuing education completed must include either a seven (7) or fifteen (15) hour USPAP course.¹

¹ 2004 was the last year that the 15-hour USPAP course could be used to satisfy the USPAP continuing education requirement.

CONCLUSIONS OF LAW

1. Respondent's failure to successfully complete continuing education requirements for licensure during the 2004-2005 biennial renewal period constitutes a violation of N.J.A.C. 13:40A-5.3, -5.4, subjecting respondent to sanctions pursuant to N.J.S.A. 45:1-21 (e) and (h).

2. Respondent's certification upon renewal for the January 1, 2006-December 31, 2007 renewal cycle that respondent had satisfied the continuing education requirement constitutes a violation of N.J.S.A. 45:1-21(b).

Based on the foregoing findings and conclusions, a Provisional Order of Discipline was entered on February 26, 2007, provisionally suspending respondent until he had furnished proof of successful completion of the continuing education for the 2004-2005 licensure cycle, imposing a public reprimand upon respondent, and imposing a civil penalty in the amount of \$1,000. A copy of the Order was forwarded to respondent by certified and regular mail at his address of record. The Provisional Order was subject to finalization by the Board at 5:00 p.m. on the 30th business day following entry unless respondent requested a modification or dismissal of the stated Findings of Fact or Conclusions of Law by submitting a written request for modification or dismissal setting forth in writing any and all reasons why said findings and conclusions should be modified or dismissed and submitting any and all documents or other written evidence supporting respondent's request for consideration and reasons therefor.

Respondent forwarded proof of having belatedly satisfied his outstanding continuing education obligation to the Board. Respondent asked for consideration.


Respondent explained that his license had been in inactive status during the period of April 2002 through February of 2005, because respondent was residing in Colorado, and that when respondent applied for and obtained reinstatement, he believed that he was only required to complete an additional fourteen hours of continuing education to satisfy his continuing education requirements through 2005. Respondent has subsequently provided the Board with proof of having belatedly satisfied his remaining continuing education requirements for 2004-2005. The Board reviewed this matter, and determined that although respondent had not timely completed his continuing education requirements pursuant to N.J.A.C. 13:40A-5.3, -5.4, his confusion with respect to these requirements led the Board to reconsider the propriety of the Board's earlier finding of misrepresentation within the intendment of N.J.S.A. 45:1-21(b). Consequently the Board determined that a public reprimand in this matter was not warranted, but that the Provisional Order should be finalized with respect to the findings of a violation of N.J.S.A. 45:1-21(e) and (h) because of respondent's failure to satisfy his continuing education requirements. The Board further determined that suspension was not warranted, inasmuch as respondent had submitted proof of successful completion of his outstanding continuing education obligation.

ACCORDINGLY, IT IS on this 11 day of May, 2007,
ORDERED that:

1. A civil penalty in the amount of \$1,000 is hereby imposed upon respondent for his violation of N.J.S.A. 45:1-21(e) and (h). Payment, in the form of a certified check or money order, made payable to the State of New Jersey, shall be sent to the attention of Dr. James S. Hsu, Executive Director, Real Estate Appraiser Board,

P.O. Box 45032, 124 Halsey Street, Third Floor, Newark, NJ 07101. Payment is due within twenty one (21) days following entry of this Order.

NEW JERSEY STATE BOARD
OF REAL ESTATE APPRAISERS

A handwritten signature in black ink, appearing to read "John A. McCann", written over a horizontal line.

John A. McCann
President